

HIGH COURT OF UTTARANCHAL AT NAINITAL

Second Appeal No. 1399 of 2001
(Old No. 2900 of 1978)

Amar Nath & others Appellant

Versus

Smt. Gulab Devi Respondent

Dated: 18.8.2004

Hon. Rajesh Tandon J.

File has been transferred from Allahabad High Court.

None appears for the parties. I have perused the record of the appeal.

The suit was filed for the recovery of arrears of rent as well as for the eviction of the defendant from the premises in suit. The trial Court has decreed the suit for the recovery of Rs.567/- and dismissed the suit for rest of the relief. In the appeal the appellate Court has allowed the appeal and decreed the suit for eviction as well as for the recovery of Rs.567/- as arrears of rent. The suit was filed in the year 1971. It appears that by efflux of time the appeal has become infructuous.

The appeal is, therefore, dismissed as infructuous. However, liberty is given to the appellant to move application for restoration if the cause of action is still survived.

No order as to costs.

(Rajesh Tandon J.)

18.8.2004

*Dhyani